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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,691	07/30/2001	Byeung Yun Soh	K-286	8833

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FLESHNER & KIM, LLP
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EXAMINER

TORRES, MARCOS L

ART UNIT PAPER NUMBER

2683

DATE MAILED: 03/03/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/916,691

Applicant(s)

SOH ET AL.

Examiner

Marcos L. Torres

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7, 12, 13 and 15 is/are rejected.
- 7) ☒ Claim(s) 5, 6, 8-11, 14, 16 and 17 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-4 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Valentine (6,018,654) in view of Lietsalmi and further in view of Jung.

As to claims 1-2, 4 and 12-13, Valentine discloses a method of generating multimedia events using a short message service in a mobile communication system (see col. 3, lines 1-5). Valentine do not specifically disclose receiving an index corresponding to a multimedia event selected by an originating mobile station and an identification number of a receiving mobile station from said originating mobile station; checking whether said receiving mobile station already contains data corresponding to said index using a short message service center; and transmitting said index to said receiving mobile station if said receiving mobile station already contains said data. Lietsalmi discloses receiving an index corresponding to a message event selected by an originating mobile station and an identification number of a receiving mobile station from said originating mobile station (see col. 13, lines 6-30; col. 15, line 30 – col. 17 line 5; fig. 14-19); and transmitting said index to said receiving mobile station (see col. 16, lines 47-50). Jung discloses checking whether said receiving mobile station already contains data corresponding to said index using a short message service center (see col. 2, lines 23-37). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine Lietsalmi and Jung teachings in the Valentine system for a reliable delivery of messages and bandwidth management.

As to claim 3, Jung discloses the method further comprising indicating in said receiving mobile station that said data are transmitted when said data transmission is completed (see col. 1, lines 40-42).

5. Claims 7 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Valentine (6,018,654) in view of Lietsalmi and further in view of Jung as applied to claims 1-4 and 12-13 above, and further in view of Heo.

As to claims 7 and 15, Valentine discloses a method of generating multimedia events using a short message service in a mobile communication system (see col. 3, lines 1-5). Jung discloses using the teleservice standard (see col. 4, lines 1-6). Heo discloses the method of using a teleservice transport layer (see col. 3, line 21 – col. 4, line 9). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to add this teaching to the modified Valentine system for enhanced efficiency.

Allowable Subject Matter

6. Claims 5-6, 8-11, 14 and 16-17 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: The method wherein a designated User Data sub-parameter of a teleservice layer located under said transport layer of said short message service includes a prescribed field that consists of a first byte representing a total number of packets required to send said data corresponding to said selected multimedia event, a second byte representing a number of a current packet, a third byte representing a current data index, a fourth byte representing a type of said multimedia event and fifth and higher bytes storing said data. The method wherein said short message service

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center contains a data pool related to every multimedia event including a corresponding data and index for said every multimedia event, and said short message service center shares information in said data pool with other mobile stations.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Parvulescu U.S. Patent US006252517B1
- b. Park U.S. Patent US006408188B1
- c. Ghirnikar U.S. Patent US006381241B1
- d. Heller U.S. Patent US005617538A
- e. Valentine U.S. Patent US006223045B1
- f. Kim U.S. Publication 20020006784
- g. Karri U.S. Publication US 20020177454A1
- h. Na U.S. Publication 20010041578
- i. Sull U.S. Publication US 20020069218A1

Any response to this Office Action should be mailed to:

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Or faxed to:

(703) 703-872-9314

For formal communication intended for entry, informal communication or draft communication; in the case of informal or draft communication, please label "PROPOSED" or "DRAFT"

Hand delivered responses should be brought to:

Crystal Park II
2121 Crystal Drive
Arlington, VA
Sixth Floor (Receptionist)


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcos L Torres whose telephone number is 703-305-1478. The examiner can normally be reached on 8:00am-5:30pm alt. friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William G Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marcos L Torres
Examiner
Art Unit 2683

Mlt


WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600